



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4805

Introduced 1/12/2010, by Rep. Deborah L. Graham

SYNOPSIS AS INTRODUCED:

410 ILCS 45/12

from Ch. 111 1/2, par. 1312

Amends the Lead Poisoning Prevention Act. Provides that if no delegated county lead poisoning screening, prevention, and abatement fund exists, civil penalties collected for violation of the Act may be deposited into the fund of the delegated local State-certified public health department that has jurisdiction where the penalty occurred. Effective immediately.

LRB096 16554 RPM 31826 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Lead Poisoning Prevention Act is amended by
5 changing Section 12 as follows:

6 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

7 Sec. 12. Violations of Act.

8 (a) Violation of any Section of this Act other than Section
9 6.01 or Section 7 shall be punishable as a Class A misdemeanor.
10 A violation of Section 6.01 shall cause the Department to issue
11 a written warning for a first offense and shall be a petty
12 offense for a second or subsequent offense if the violation
13 occurs at the same location within 12 months after the first
14 offense.

15 (b) In cases where a person is found to have mislabeled,
16 possessed, offered for sale or transfer, sold or transferred,
17 or given away lead-bearing substances, a representative of the
18 Department shall confiscate the lead-bearing substances and
19 retain the substances until they are shown to be in compliance
20 with this Act.

21 (c) In addition to any other penalty provided under this
22 Act, the court in an action brought under subsection (e) may
23 impose upon any person who violates or does not comply with a

1 notice of deficiency and a mitigation order issued under
2 subsection (7) of Section 9 of this Act or who fails to comply
3 with subsection (3) or subsection (5) of Section 9 of this Act
4 a civil penalty not exceeding \$2,500 for each violation, plus
5 \$250 for each day that the violation continues.

6 Any civil penalties collected in a court proceeding shall
7 be deposited into a delegated county lead poisoning screening,
8 prevention, and abatement fund or, if no delegated county ~~or~~
9 lead poisoning screening, prevention, and abatement fund
10 exists, into the Lead Poisoning Screening, Prevention, and
11 Abatement Fund established under Section 7.2 or into the
12 delegated local State-certified public health department lead
13 poisoning screening, prevention, and abatement fund of the
14 local State-certified public health department that has
15 jurisdiction where the penalty occurred.

16 (d) Whenever the Department finds that an emergency exists
17 that requires immediate action to protect the health of
18 children under this Act, it may, without administrative
19 procedure or notice, cause an action to be brought by the
20 Attorney General or the State's Attorney of the county in which
21 a violation has occurred for a temporary restraining order or a
22 preliminary injunction to require such action as is required to
23 meet the emergency and protect the health of children.

24 (e) The State's Attorney of the county in which a violation
25 occurs or the Attorney General may bring an action for the
26 enforcement of this Act and the rules adopted and orders issued

1 under this Act, in the name of the People of the State of
2 Illinois, and may, in addition to other remedies provided in
3 this Act, bring an action for a temporary restraining order or
4 preliminary injunction as described in subsection (d) or an
5 injunction to restrain any actual or threatened violation or to
6 impose or collect a civil penalty for any violation.

7 (Source: P.A. 94-879, eff. 6-20-06.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.